
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
CC VIII Operating, LLC)	File No.: EB-FIELDNER-13-00011535
Cable System Operator)	
)	
Boyne Falls, Michigan)	NOV No.: V201432360003
)	Physical System ID: 005490
)	Community Unit ID: MI1481
)	

NOTICE OF VIOLATION

Released: November 7, 2013

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to CC VIII Operating LLC, operator of a cable system in Boyne Falls, Michigan. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On September 19, 2013, an agent of the Enforcement Bureau's Detroit Office inspected CC VIII Operating, LLC's cable system in Boyne Falls, Michigan, and observed the following violation:

47 C.F.R. § 76.605(a)(12) of the Rules requires that cable operators maintain their cable system signal leakage below 20 microvolts per meter ($\mu\text{V/m}$) measured at 3 meters when operating in the frequency band between 54 MHz and 216 MHz. See 47 C.F.R. § 76.605(a)(12). The agent measured signal leakage in excess of 20 $\mu\text{V/m}$ on 133.2625 MHz at the following location:

Date	Frequency	Field Intensity	Location
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¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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	(MHz)	(μ V/m)	
09/19/13	133.2625	153.4	At second pole (where amplifier is located), approximately 150 feet south of 3050 Old Mackinaw Trail, Boyne Falls, MI

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, CC VIII Operating LLC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct CC VIII Operating LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of CC VIII Operating LLC with personal knowledge of the representations provided in CC VIII Operating LLC's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the company's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Detroit Office
24897 Hathaway Street
Farmington Hills, Michigan 48335

6. This Notice shall be sent to CC VIII Operating LLC at its address of record.

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

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James A. Bridgewater
District Director
Detroit Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).